

REMARKS/ARGUMENTS

In the Office Action, the Examiner allowed claims 24-26, 39-41, 43-45, and 47; rejected claims 1-6, 11-16, 21, 29-33, and 46 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczyk* (U.S. Patent No. 6,205,150) in view of *Yin* (U.S. Patent No. 5,926,458), and further in view of *Ayres* (U.S. Patent No. 6,597,699); rejected claims 7-10, 17-20, and 34-37 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczyk* and *Yin* in view of *Ayres* and further in view of *Yin* et al. (U.S. Patent No. 6,442,138); and also rejected claims 22, 23, 27, 28, 38, and 42 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczyk* and *Yin* and in view of *Yin* et al. further in view of *Ayres*. The rejections are fully traversed below. Reconsideration of the application is respectfully requested based on the following remarks. Claims 1, 11, 21, 24, and 46 have been amended to further clarify the invention. Accordingly, claims 1-47 remain pending in this application.

PATENTABILITY OF CLAIMS 1-23, 27-38, 42, and 46

Claim 1 is directed to providing load information within a network having a plurality of ingress routers, a plurality of core routers, and a plurality of egress routers. Claim 1 as amended requires, among other things, "metering a load value for each service class, the load value indicating a number count of streams for each service class". That is, in the context of claim 1, the number count of *streams* in each service class is metered. Support for the amendment may be found in the specification on page 10, line 18 to page 11, line 4; and elsewhere. Claims 11, 21, and 46 require a similar limitation as noted for claim 1.

Claim 22 is directed to allocating resource to one or more data streams within a network having a plurality of ingress routers, a plurality of core routers, and a plurality of egress routers. Claim 22 as amended requires, among other things, "receiving one or more tickets into a selected core router, the tickets indicating a total load for each one of a plurality of service classes, the total load indicating a total number count of streams for each one of the plurality of service classes". That is, in the context of claim 22, the tickets indicate the total number count of *streams* in each service class. Support for the amendment may be found in the specification on page 10, line 18 to page 11, line 4; and elsewhere. Claims 27 and 28 require a similar limitation as noted for claim 22.

One of the many advantages provided by the present invention is for determining load information (e.g., the number of streams) for each class that is being received by a particular core

router or group of core routers. The core router(s) may utilize this load information to calculate new bandwidth assignments on a per stream basis, for example. That is, the core router may be able to dynamically allocate bandwidth for each stream within each class. The resource allocation can be based on the actual load being utilized by the streams of a given class. (See page 10 lines 10-16) The actual number count of *streams* facilitates in determining the load information and in calculating new bandwidth assignments on a per stream basis. (e.g., see Figure 4)

In contrast, the cited references lack the advantages of the present invention. This is because the cited references, taken alone or in combination, fail to teach or suggest metering a load value or indicating a total load in the manner claimed. That is, the cited references do not provide load information that indicates the number count of streams (i.e., streams count).

As already noted by the Examiner, “*Ruszczynski* in view of *Yin* fails to explicitly disclose that the load value indicates a number count of streams for each service class.” Although the Examiner cited *Ayres* as disclosing the load value as claimed, the undersigned respectfully disagrees. This is because *Ayres* merely discloses “a “queue-count” field 58 having a value indicating the number of packets presently held in the respective data queue.” (See column 6, lines 39-41 as cited by the Examiner) That is, *Ayres* discloses a number count of packets, but not a number count of streams. Therefore, it is submitted that claims 1, 11, 21, 22, 27, 28, and 46 are patentably distinct from *Ruszczynski*, *Yin*, and *Ayres*. Similarly, it is submitted that claims 1, 11, 21, 22, 27, 28, and 46 are also patentably distinct from *Yin* et al.

The Examiner’s rejections of the dependent claims are respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-10, 12-20, 23, 29-38, and 42 each depend either directly or indirectly from independent claims 1, 11, 21, 22, 27, or 28 and, therefore, are respectfully submitted to be patentable over cited arts for at least the reasons set forth above with respect to claims 1, 11, 21, 22, 27, or 28. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited arts. For example, claims 3 and 4 respectively require among other things that “the one or more tickets indicate a total number of *streams* for each class that is being transmitted to the destination” and “each ticket indicates a total number of *streams* for a particular class that are being transmitted to the destination. Claims 13 and 14 require a similar limitation.

**SUMMARY**

It is respectfully submitted that all pending claims are allowable and that this case is now in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

If any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 50-0388 (Order No. CISCP127).

Respectfully submitted,  
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